

Remarks

The Office Action mailed June 3, 2003, and made final, has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 13-18 are pending in this application. Claims 13-18 have been rejected.

The objection to the Abstract is respectfully traversed. The Abstract has been amended and is submitted to be in the proper language and format for an Abstract. For the reason set forth above, Applicants respectfully request that the objection to the Abstract be withdrawn.

The objection to Claim 13 is respectfully traversed. Applicants respectfully submit that Claim 13 particularly points out and distinctly claims the apparatus which the Applicants regard as the invention. More specifically, Claim 13 recites a “voice activated control system for controlling playback imaging sequencing based on a voice command to facilitate analysis of a plurality of acquired images.” Applicants respectfully submit that Claim 13 enables one skilled in the art to use the invention as recited. For the reasons cited above, Applicants respectfully request that the objection to Claim 8 be withdrawn.

The rejection of Claims 13-18 under 35 U.S.C. § 103 as being unpatentable over Faul et al. (U.S. Patent No. 5,440,606) in view of Mattson et al. (U.S. Patent No. 5,303,148) is respectfully traversed.

Faul et al. describe an x-ray control system that includes an x-ray source (1), a detector, a patient table, a speech recognition circuit (6), and a video monitor (7) serially connected to the x-ray control system by a signal transmission path (3) via an interface device (4). The x-ray control system also includes a microphone (9) to allow an operator to input instructions in the form of spoken commands. Faul et al. also describes that the video control circuitry holds data related to the available commands for speech controlled instructions and/or data input. By

observing the monitor, the operator can determine which commands he/she have already executed.

Mattson et al. describe a method for displaying and processing medical image data using a voice activated control system (D). The control system includes a microphone (10), a speech processor (12), a command interpreter (14), a volume imager (18), and a video recorder (20). In use, a physician speaks commands which are received by the microphone. The speech processor converts the audio signals into word signals. The command interpreter compares each word signal with a list of previously authorized command words. A corresponding command signal is then sent to the volume imager, a video recorder, or a printer. The volume imager then generates an image representative of a portion of the image stored therein. Mattson et al. further describe that the method facilitates providing a user friendly diagnostic image display and evaluation recordation system.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Faul et al. according to the teachings of Mattson et al. More specifically, it is respectfully submitted that a prima facie case of obviousness has not been established. As explained by the Federal Circuit, "to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant." In re Kotzab, 54 USPQ2d 1308, 1316 (Fed. Cir. 2000). MPEP 2143.01.

Moreover, the Federal Circuit has determined that:

[I]t is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot

use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."

In re Fitch, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). Further, under Section 103, "it is impermissible . . . to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." In re Wesslau, 147 USPQ 391, 393 (CCPA 1965). Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the cited art, nor any reasonable expectation of success has been shown.

Although it is asserted within the Office Action that Faul et al. teach the present invention except for disclosing an apparatus including a monitor for displaying images, and a voice control system for controlling playback of images based on a voice command to facilitate analysis of a plurality of acquired images, and that Mattson et al. discloses a monitor and voice control system that enables a practitioner to view images in real time while allowing hands free operation, no motivation or suggestion to combine the cited art has been shown. Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants respectfully request that the Section 103 rejection of Claims 13-18 be withdrawn.

Furthermore, Applicants respectfully submit that no motivation for the combination can be found within Faul et al. and Mattson et al., as Faul et al. and Mattson et al. teach away from each other. Specifically, Faul et al. describe a detector, a patient table, a speech recognition circuit, and a video monitor serially connected to the x-ray control system by a signal

transmission path via an interface device. In contrast, Mattson et al. describe a control system that includes a microphone, a speech processor, a command interpreter, a volume imager, and a video recorder. Mattson et al. do not describe nor suggest a detector, a patient table; a speech recognition circuit, and a video monitor serially connected to the x-ray control system by a signal transmission path via an interface device.

If art "teaches away" from a claimed invention, such a teaching supports the nonobviousness of the invention. U.S. v. Adams, 148 USPQ 479 (1966); Gillette Co. v. S.C. Johnson & Son, Inc., 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited art, as a whole, is not suggestive of the presently claimed invention. More specifically, Applicants respectfully submit that Mattson et al. teaches away from Faul et al., and as such, there is no suggestion or motivation to combine Faul et al. with Mattson et al.

Further, and to the extent understood, no combination of Faul et al. and Mattson et al., describes or suggests the claimed combination, and as such, the presently pending claims are patentably distinguishable from the cited combination. Specifically, Claim 13 recites an X-ray exam system including an x-ray source, a detector positioned to receive x-rays transmitted from the x-ray source, a patient table positioned so that the x-ray source emits x-rays towards a patient thereon, a video monitor for displaying images while performing an exam, and a voice activated control system coupled to the x-ray source, the detector, and the video monitor, "said voice activated control system for controlling playback imaging sequencing based on a voice command to facilitate analysis of a plurality of acquired images, said control system comprising an audio microphone configured to be positioned for receiving audio input from an operator, and an audio signal processor coupled to said microphone for processing amplified audio signals from said amplifier, said processing comprising at least one of word and phrase recognition, said control system coupled to controls of said x-ray source, said detector, and said monitor for executing commands received by said control system."

Neither Faul et al. nor Mattson et al. describe or suggest an X-ray exam system including an x-ray source, a detector positioned to receive x-rays transmitted from the x-ray source, a patient table positioned so that the x-ray source emits x-rays towards a patient thereon, a video monitor for displaying images while performing an exam, and a voice activated control system coupled to the x-ray source, the detector, and the video monitor, the voice activated control system for controlling playback imaging sequencing based on a voice command to facilitate analysis of a plurality of acquired images, the control system including an audio microphone configured to be positioned for receiving audio input from an operator, and an audio signal processor coupled to the microphone for processing amplified audio signals from the amplifier, the processing including at least one of word and phrase recognition, the control system coupled to controls for of the x-ray source, the detector, and the monitor for executing commands received by the control system. Specifically, neither Faul et al. nor Mattson et al. describe or suggest a voice activated control system coupled to the x-ray source, the detector, and the video monitor, the voice activated control system for controlling playback imaging sequencing based on a voice command to facilitate analysis of a plurality of acquired images. Rather, and in contrast to the present invention, Faul et al. describe that the video control circuitry holds data related to the available commands for speech controlled instructions and/or data input, and by observing the monitor, the operator can determine which commands he/she has already executed. Faul et al. does not describe a voice control system for controlling playback of images using a voice command. Further, Mattson et al. does not describe nor suggest a voice activated control system coupled to the x-ray source, the detector, and the video monitor. For the reasons set forth above, Claim 13 is submitted to be patentable over Faul et al. in view of Mattson et al.

Claims 14-18 depend directly from independent Claim 13. When the recitations of Claims 14-18 are considered in combination with the recitations of Claim 13, Applicants respectfully submit that dependent Claims 14-18 likewise are patentable over Faul et al. in view of Mattson et al.

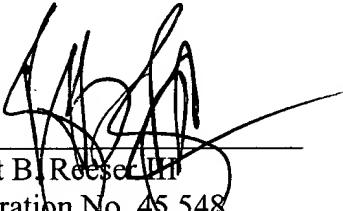
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For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 13-18 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Robert B. Reese, III
Registration No. 45,548
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070